

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

AFTER II MOVIE, LLC, *et al.*,

Plaintiffs,

v.

GRANDE COMMUNICATIONS
NETWORKS, LLC,

Defendant.

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1:21-CV-709-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Defendant Grande Communications Networks, LLC's ("Grande") Motion to Dismiss Plaintiff's Second Amended Complaint, (Dkt. 46). (R. & R., Dkt. 74). In his report and recommendation, Judge Howell recommends that the Court deny the motion as to Counts I and III, and grant the motion as to Count II. (*Id.* at 24). Grande timely filed objections to the report and recommendation. (Objs., Dkt. 79).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Grande timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules Grande's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 74), is **ADOPTED**.

IT IS FURTHER ORDERED that Grande's Motion to Dismiss, (Dkt. 46), is **DENIED** as to Counts I and III, and **GRANTED** as to Count II.

IT IS FINALLY ORDERED that Count II of Plaintiff's Second Amended Complaint is
DISMISSED WITH PREJUDICE.

SIGNED on March 28, 2023

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE